

CITY OF CONCORD

In the year of our Lord two thousand and twelve

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(j), Table of Principal Uses, and Section 28-2-4(k), Table of Accessory Uses.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards, by deleting Section 28-5-44, Raising of Bees, in its entirety and replacing it with a new Section 28-5-44, Keeping of Bees, as follows:

28-5-44 Keeping of Bees. The keeping of bees and the maintenance of apiaries shall be in accordance with current New Hampshire Department of Agriculture regulations and the following provisions:

- (a) Purpose. It is the purpose of this section to permit the keeping of bees and apiaries and to establish certain requirements of sound beekeeping practices, which are intended to prevent problems that may otherwise be associated with the keeping of bees in populated areas.
- (b) Establishment and Applicability.
 - 1) Beekeeping is permitted as a principal agricultural use in those zoning districts designated under Article 28-2-4(j)(M), Table of Principal Uses, Agricultural;
 - 2) Beekeeping is permitted as an accessory use to a single-family detached dwelling in those zoning districts designated under Article 28-2-4(k)(A), Table of Accessory Uses, Accessory to a Principal Residential Use;
 - 3) Beekeeping is permitted as an accessory use to any principal non-residential use in those zoning districts designated under Article 28-2-4(k)(B), Table of Accessory Uses, Accessory to a Principal Nonresidential Use;
 - 4) Notwithstanding compliance with the various requirements of this section of the Zoning Ordinance, a beekeeper shall be prohibited from keeping any colony or colonies of bees in such a manner or of such disposition as to create a nuisance or

menace to the public health and safety or to interfere with the normal use and enjoyment by persons and animals of any public or private property.

(c) Development Standards.

- 1) Allowed Densities. It shall be unlawful to keep more than the following number of colonies on any tract of land:

less than ¼ acre	beekeeping is not permitted
¼ acre to ½ acre	up to 2 hives
More than ½ acre to 1 acre	up to 4 hives
More than 1 acre to 2 acres	up to 6 hives
More than 2 acres to 5 acres	up to 8 hives
More than 5 acres	up to 2 hives per acre
- 2) Location of Hives on a Lot. Any structure used for apiculture shall comply with the following yard and setback requirements:
 - a. Hives shall be located in the side or rear yard and shall not be located in the front yard.
 - b. In the absence of a principal structure, hives shall be located behind the front setback line as defined for each Zoning District in the Zoning Ordinance.
 - c. Hives shall be located at least 15 feet from any property line, subject to the requirements of sub-section (3) below.
- 3) Flyway Barriers. In each instance in which a hive is situated within 30 feet of a property line, as measured from the nearest point of a hive to the property line, the beekeeper shall establish and maintain a flyway barrier in the following manner so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary:
 - a. Height: shall be no less than six feet in height
 - b. Material: shall consist of a solid wall, fence, dense vegetation or combination thereof.
 - c. Location: shall be parallel to the property line, within 15 feet of the colony and extending at least 10 feet beyond the colony in each direction.
- 4) Screening. Hives shall be visually screened from roads, private ways, sidewalks, paths and other areas where people normally pass or congregate.
- 5) Hive Type. All hives shall be of the movable frame type, as accepted by the State of New Hampshire Department of Agriculture, Markets and Food, Division of Plant Industry.
- 6) Identification. If a hive belongs to a beekeeper that is not the owner of the property on which it is located, the name, mailing address and phone number of the beekeeper maintaining the hive shall be clearly displayed on each hive using letters not less than one (1) inch in height.
- 7) Water. Each beekeeper shall ensure that a convenient and consistent source of fresh water is available to the bees at all times during the year. Water shall be located within twenty (20) feet of all hives or no more than one-half (1/2) the distance to the nearest property line, whichever distance is less.

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(j), Table of Principal Uses, by adding a new Agricultural Use, Use M-11, “Raising or Keeping of Bees”, subject to the Supplemental Standards of Section 28-5-44, Raising of Bees as a Permitted (P) use in the following district:

Open Space Residential (RO)

SECTION III: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(j), Table of Principal Uses, by adding a new Agricultural Use, Use M-11, “Raising or Keeping of Bees”, subject to the Supplemental Standards of Section 28-5-44, Raising of Bees as a Special Exception (SE) use in the following district:

Medium Density Residential (RM)

SECTION IV: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(k), Table of Accessory Uses, by adding a new Accessory to a Principal Residential Use, Use A-12, “Keeping of Bees”, subject to the Supplemental Standards of Section 28-5-44, as a Permitted (P) use in the following districts:

Open Space Residential (RO)

Medium Density Residential (RM)

Single-family Residential (RS)

Neighborhood Residential (RN)

Institutional (IS)

SECTION V: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(k), Table of Accessory Uses, by adding a new Accessory to a Principal Residential Use, Use A-12, “Keeping of Bees”, subject to the Supplemental Standards of Section 28-5-44, as a Special Exception (SE) use in the following district:

Downtown Residential (RD)

SECTION VI: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2 Zoning Districts and Allowable Uses, Section 28-2-4(k), Table of Accessory Uses, by deleting Accessory to Any Principal Use, Use C-5, Raising of Bees and reserving this section C-5 for a future use.

SECTION VII: This ordinance shall take effect upon its passage.